

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
2005 Oct 21 A 9:41

STEVEN J. MALKE,
Plaintiff

v.

TRANSCONTINENTAL REFRIGERATED
LINES, INC.
Defendant

Civil Action No. 05-30149-KPN

SPECIAL VERDICT

We, the jury in the above entitled action, find the following Special Verdict on the questions submitted to us.

Q.1. Has the plaintiff proven by a preponderance of the evidence that the defendant was negligent?

A.1. YES _____ NO

If your answer is NO, do not go any further. If your answer is YES, go to Question 2.

Q.2. If the defendant was negligent, has the plaintiff proved by a preponderance of the evidence that such negligence was a proximate cause of injury to him?

A.2. YES _____ NO

If your answer is NO, do not go any further. If your answer is YES, go to Question 3.

Q.3. What is the total amount of money that will reasonably and fairly compensate plaintiff for damages which he has proven by a preponderance of the evidence were proximately caused by the negligence of the defendant?

A.3. \$
Figures

Words

Q.4. Has the defendant proven by a preponderance of the evidence that plaintiff was negligent?

A.4. YES _____ NO

If your answer is NO, go no further. If your answer is YES, go to Question 5.

Q.5. If the plaintiff was negligent, has the defendant proven by a preponderance of the evidence that such negligence was a proximate cause of plaintiff's own injury?

A.5. YES _____ NO

If your answer is NO, go no further. If your answer is YES, go to Question 6.

Q.6. Assuming the combined negligence of plaintiff and the defendant which proximately caused plaintiff's injury equals 100%, what percentage of such negligence proximately causing plaintiff's injury do you attribute to plaintiff and to defendant?

Steven Malke _____ %

Transcontinental Refrigerated
Lines, Inc. _____ %

TOTAL 100 %

I certify that each of the foregoing answers is the answer of at least ten (10) of the twelve (12) deliberating jurors.

Foreperson